

Application No. 10/705,771
Amendment dated October 18, 2006

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 2. In Figure 2, previously omitted element 200 has been added.

Attachment: Replacement Sheet for FIG. 2
 Annotated Sheet for FIG. 2 showing changes

REMARKS

This amendment is submitted in response to the Office Action dated April 18, 2006. Following this amendment, 18 claims remain in the present application, including independent claims 1, 7, and 13. Claims 2, 5, 8, 11, 14, and 17 have been cancelled and new claims 19-24 have been added. It is believed that no new matter has been added through the present amendment. Applicant's respectfully submit that following amendment in view of the current remarks, that all grounds for rejection have been addressed and that the application is in condition for allowance.

As an initial observation, the Action at Paragraph 1 objected to FIG 2 under 37 CFR §1.84(p)(5) as lacking element 200. Applicants have amended FIG. 2 to add a notation to network 200 as disclosed in the specification, for example at paragraph 29 of the published application introducing FIG. 2. Again, it is urged that this amendment merely clarifies the figure and does not add additional subject matter to the present invention.

At Paragraphs 2 and 3, the Action rejected claims 1-2, 7-8 and 13-14 under 35 USC 102(e) as being entirely anticipated by U.S. Published Patent Application No. 2004/0830809, hereafter "Lowensohn". Applicants have carefully reviewed Lowensohn and respectfully submit that it neither teaches or suggests the present invention as previously claimed. To add greater clarity to the differences, Applicants have further amended the claims to expedite examination of the current application.

As described in the background section of the present application at Paragraph 7, Applicant readily accept that the collection and analysis of Biometric information is previously known, but Applicants suggest that existing techniques are problematic. In particular, the present invention addresses needs that arise when attempting to efficiently acquire biometric data from a large numbers of potential employees, forwarding this biometric data in an appropriate format to various certifying agencies as needed to rapidly screen the potential employees, and to expedite the overall process by identifying and forwarding stored biometric data for previously certified potential employees.

As described in greater detail below, Lowensohn is an application of known biometric

collection and storage techniques to the field of medical “BARB” badges and does not address the above identified deficiencies in biometric data collection and processing. Specifically, as described in the its abstract, Lowensohn relates to:

A portable wireless system for providing a user with access to a computer-based system includes a BARB Badge to interface with the user's body, responsive to a disruption in the interface and including a transceiver to communicate with an external source, a BARB Base to detect a presence of said BARB Badge in a vicinity of said BARB Base and relay secure communications between said BARB Badge and said computer-based system; and an administrator subsystem to regulate interfacing operations of said BARB Badge and said computer-based system based on predetermined administrative protocols. In this way, the overall security of the computer-based system is enhanced while the amount of operational burdens associated with accessing the computer-based system are reduced.

Thus, Lowensohn relates to a system for collecting and storing biometric data, and then using this biometric data to verify that a badged individual is authentic.

With reference now to the specific comments in paragraph 3, the Action cited to Lowensohn at Paragraph 123 as anticipating the input means of the present claim 1 (or the equivalent method steps thereof in claims 7 and 13). Paragraph 123 is repeated below:

[0123] The Enroll user 1102 sub-function allows for a user's biometric information to be captured and processed for storage and future matching. In an exemplary embodiment, the Enroll user 1102 sub-function is activated from the 'Create Admin', 'Edit Admin', 'Create User' or 'Edit User' functions, by highlighting the user ID on the user/admin list and selecting the 'Properties' button, then the 'Enroll' button.

Thus, it can be seen that paragraph 123 specifically refers as an sub-application to allow a user to create a data record identifying the location or containing a user's biometric data. In contrast, the present claims now specify that the biometric data input means includes both acceptance of stored electronic biometric data and a system to accept physical biometric data and to convert this biometric data into an electronic format, as previously contained in prior claims 5, 11, and 17, now cancelled (Please note that the Action's comments to Engelhart addressing those claims are addressed below).

In regards to the second element of claim 1, the “quality check means for verifying that the biometric data conforms to a submission standard”, the Action cites to paragraph 129 of Lowensohn, reproduced below:

[0129] The Verify Biometric Enrollment 1106 sub-function allows the administrator 1100 to select to verify a user biometric enrollment. In an exemplary embodiment, the administrator 1100 may select from the Display Biometrics window any enrolled, available technology from the biometrics list and invoke the Verify Biometric Enrollment function by pressing the "Verify" button. Upon activation the selected biometric technology will be activated to perform a local biometric capture and processing operation, followed by a server verify operation. The results of the verify will be displayed (i.e., Match or No Match). The administrator 1100 may then choose to close this window and return to the Display Biometrics window. **The Verify Biometric Enrollment 1106 sub-function allows for the administrator 1100 to check the quality of a biometric enrollment to ensure the template is matched by the user immediately following the enrollment process while the user is still available; however, the function may also be used at other times such as for if the user has been experiencing trouble authenticating at the authentication and activation station with a particular biometric technology.**

In this way, it can be seen that verification is merely a quality check to ensure that a user has collected sufficient and correct biometric data for purposes of registration, and this paragraph does not in any way address claim limitation of verifying that the biometric data is in an appropriate submission standard for processing by a third party. As described in the specification of the present application, a large problem in processing airport employees is that the security review will be inconclusive since the biometric data does not meet sufficient quality standards. In this way, the present invention attempts to identify problems before submission in order to avoid further delays.

Regarding the communication means, the Action cited to paragraphs 124 and 125 of Lowensohn. Applicants have carefully reviewed this disclosure and respectfully submit that it merely relates to steps in the electronic collection and storage of biometric data and, in no way relates to forwarding the biometric data to a third party for processing or to receive the processing results from the third party.

Regarding the storage means, Applicants readily accept that the storage of biometrics is readily known, but have carefully reviewed the cited portions of Lowensohn and respectfully submit that this disclosure in no way suggests the storage of biometric processing results from a third party. This way, the problem of reprocessing potential employees is not addressed in Lowensohn, and employees will need to be repeatedly processed when changing employers.

For similar reasons, Applicants believe that claims 7 and 13 should be likewise allowable. In conclusion, Applicants believe that Lowensohn does not teach or suggest any of the elements of the claimed invention of claims 1, 7, and 13, and that these claims stand in condition for allowance. Furthermore, the remaining dependent claims should be allowable as depending from allowable claims.

Turning now to Paragraphs 4- 6 of the action, Applicants further urge that the remaining dependent claims should be further separately allowable over the cited combination of references, even if claims 1, 7, and 13 and somehow not allowable in their current state.

In paragraph 5, the Action indicated that claims 3-5, 9-11, and 15-17 are rejected under 35 USC §103(a) as being obvious in view of the combination of Lowensohn and U.S. Published Patent Application No. 2005/0182717, hereafter “Engelhart”. As first observation, Applicants respectfully suggest that Engelhart does not address or makeup for the above-identified deficiencies in Lowensohn. Furthermore, Applicants strongly urge that it would not be obvious to combine Engelhart with Lowensohn. Whereas Lowensohn relates to a method for using biometrics data to improve security with ID cards used within a medical facility, Engelhart relates online sales with an embodiments that relates to using certain biometrics to improve the security of the online sale. In now what would it be obvious to combine these two references since they address different industries (health versus on-line sales), different problems (security of a physical location versus secure online transactions), and different technical solutions (improved Security cards through internal biometric processing to verify identity versus a bundled data transport to share identification data). Furthermore, the two reference are in different art units and different patent classifications, and thus would not be easily located together through a prior art search. The references are clearly combined in hindsight using the present invention as a template, a practice that is expressly discouraged, for example, in MPEP §2143.01.

Moving on to Claim 3-4, while Engelhart suggest a computerized system to determine the sufficiency of funds for an online transaction through the transfer of data, Englehart does not teach or suggest the claimed limitation of limiting the transfer of data based upon a

determination of sufficiency of funds.

Regarding former claim 5 (now incorporated into claim 1), Lowensohn merely provides for the collection of various biometric data and a comparison of this data with stored information. There is no teaching or suggestion in Lowensohn of converting the physical biometric data into an electronic format, such as scanning a fingerprint card. Engelhart suggests the use of voice capture and comparison, again not the conversion of physical biometric data into an electronic format.

Claims 9-10 and 15-16 are likewise allowable on similar grounds.

Regarding Paragraph 6, the action further rejected claims 6, 12, and 18 under 35 USC §103(a) as being obvious in view of the combination of Lowensohn and U.S. Patent No. 6,886,104 hereafter “McClurg. In response Applicants concede that it would be obvious to combine these two references and that the EFTS system is readily known. However, Applicants respectfully urge that McClurg is a handheld fingerpinner does not make up for the deficiencies in Lowensohn. Specifically, McClurg optionally produces a fingerprint in the EFTS standard, and cannot verify that a stored fingerprint record complies with the EFTS for purposes of submission to a third party for processing.

In view of the foregoing, the Applicants respectfully request that the Examiner considers the above-noted amendment when the application is examined on its merits and the timely allowance of the pending claims. The Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

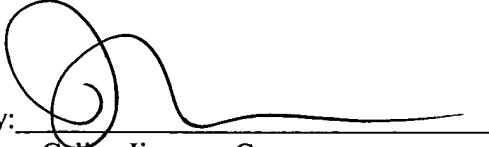
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349.

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Attachment: Substitute Specification, Claims and Abstract



200

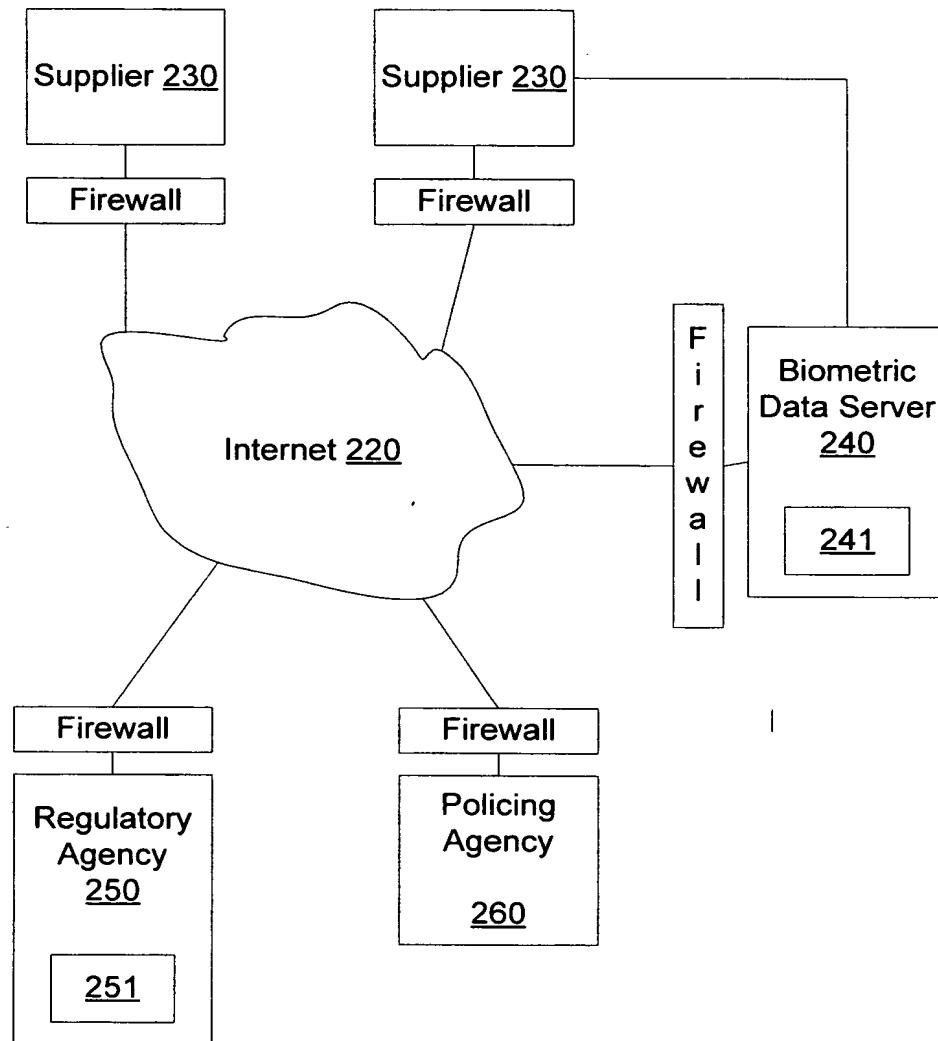


Fig. 2